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6 Attorneys for Plaintiff  
7 United States of America

8 IN THE UNITED STATES DISTRICT COURT  
9  
EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CHALONER SAINTILLUS,

15 Defendant.

CASE NO. 2:20-CR-00213-KJM

UNITED STATES' MOTION *IN LIMINE* NO. 7 –  
TO EXCLUDE INFORMATION RELATED TO  
PUNISHMENT AND SENTENCING

DATE: January 23, 2023

TIME: 9:00 a.m.

COURT: Hon. Kimberly J. Mueller

16  
17 The United States of America moves *in limine* for an order prohibiting defendant Chaloner  
18 Saintillus or his counsel from referring, in the presence of the jury during *voir dire* or at trial, either  
19 directly or indirectly, to (i) the potential penalties Saintillus may face, (ii) statutory maximums or  
20 minimums applicable to him, or (iii) any sentencing range upon his conviction.

21 I. **LEGAL BACKGROUND**

22 “It is inappropriate for a jury to consider or be informed of the consequences of their verdict.”  
23 *United States v. Frank*, 956 F.2d 872, 879 (9th Cir. 1992). Indeed, it is “well established that when a  
24 jury has no sentencing function, it should be admonished to ‘reach its verdict without regard to what  
25 sentence might be imposed.’” *Shannon v. United States*, 512 U.S. 573, 579 (1994) (quoting *Rogers v.*  
26 *United States*, 422 U.S. 35, 40 (1975)). This principle reflects a “basic division of labor in our legal  
27 system between judge and jury.” *Shannon*, 512 U.S. at 579. “The jury’s function is to find the facts and  
28 to decide whether, on those facts, the defendant is guilty of the crime charged.” *Id.* “The judge, by

1 contrast, imposes sentence on the defendant after the jury has arrived at a guilty verdict.” *Id.* Thus,  
2 information regarding potential penalties, statutory maximums or minimums, or sentencing ranges is  
3 “irrelevant to the jury’s task.” *Id.* “Moreover, providing jurors sentencing information invites them to  
4 ponder matters that are not within their province, distracts them from their factfinding responsibilities,  
5 and creates a strong possibility of confusion.” *Id.*

6 **II. ARGUMENT**

7 Saintillus and his counsel should not refer to his potential penalties in the presence of the jury  
8 because such information is “irrelevant to the jury’s task.” *Id.* Accordingly, Saintillus should be  
9 prohibited from referring, in the presence of the jury during *voir dire* or at trial, either directly or  
10 indirectly, to the potential penalties, statutory maximums or minimums, or sentencing ranges applicable  
11 to Saintillus upon a conviction.

12 **III. CONCLUSION**

13 For the above stated reasons, the United States requests that the Court prohibit Saintillus and his  
14 counsel from referring directly or indirectly in the presence of the jury to (i) potential penalties Saintillus  
15 may face, (ii) statutory maximums or minimums applicable to him, or (iii) any sentencing range upon  
16 his conviction.

17  
18 Dated: December 9, 2022

PHILLIP A. TALBERT  
United States Attorney

20 By: /s/ SAM STEFANKI  
21 SAM STEFANKI  
22 FRANK J. RIEBLI  
23 Assistant United States Attorneys